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C O N F I D E N T I A L SECTION 01 OF 02 YEREVAN 000901

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SUBJECT: ARMENIA ENACTS ELECTORAL REFORMS, BUT DOES NOT  
GUARANTEE FAIR ELECTIONS

Classified By: DCM A.F. Godfrey for reasons 1.4 (b, d).

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SUMMARY  
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1. (C) In an extraordinary session May 19, the Armenian Parliament voted to increase the number of its seats apportioned on the party list basis, to nominally curtail President Robert Kocharian's authority to directly appoint members of electoral commissions, and to reform the way the government draws up voter lists. The changes were part of a package of amendments to the Electoral Code that respond to recommendations of the Council of Europe's (CoE) Venice Commission. Along with detailed reforms that, for example, change the layout of voting booths and the posting of voter lists, major reforms balance the President's political power base (the coalition government) with his extra-political power base (non-partisan oligarchs) and do little to balance the interests of the government and the opposition. Whether these changes will, as the government claims, "complicate vote-rigging" is more a question of overall political will to have fair elections than the specific changes that the parliament passed yesterday. End Summary.

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PROPORTIONAL REPRESENTATION INCREASED  
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2. (SBU) The most notable amendment, and one not called for by the COE, raised from 75 to 90 the number of parliamentary deputies who will be elected under the system of proportional representation (by party list) in the next elections. The increase will come at the expense of single-mandate constituencies that will be reduced from 56 to 41. Prime Minister Andranik Markarian (Republican Party) brokered the redistribution between junior coalition partners Orinats Yerkir and the Armenian Revolutionary Faction (ARF) Dashnaks who wanted greater proportional representation and the Republican Party, backed by the People's Deputy group of non-partisan lawmakers, who opposed change in existing distribution. (Note: The People's Deputy group is a "who's who" of Armenia's oligarch businessmen, who typically contest and win the single mandate seats. Only loosely, if at all, affiliated with the parties in parliament, these truant MPs seldom appear in parliament or participate in political activities, but do form a large non-partisan power base for the government and the president. End Note.)

3. (C) Since a seat in parliament, and the criminal immunity that goes with it, became de rigueur for Armenia's tycoons, oligarchs have found it easier to buy-off electoral commissions and otherwise cheat on the single mandate seats than to purchase a spot on a party list. These elections are thus the most corrupt, and even the Central Election Commission invalidated the results of a tainted oligarch run-off in Kotayk region last August. Reducing the number of single-mandate seats may arguably reduce the number of the most unfairly contested elections, but it also increases the strain on popular candidates without party support who must compete with the oligarchs who buy elections. In all, greater proportional representation is better for the coalition and opposition parties alike, who will have more places on the party list to dole out or sell to tycoons.

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PRESIDENT'S CONTROL OF ELECTORAL COMMISSIONS LIMITED?  
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4. (SBU) The other important amendment changed from 3 to 1 the number of members that Kocharian can appoint on the Central Election Commission and its territorial divisions, a response to the COE's recommendation to establish more balanced representation on the electoral commissions. In the 2007 elections, the Court of Appeals and the non-partisan group of parliamentary deputies, People's Deputy, will now each appoint a member in place of two of the President's appointments on the Central Election Commission. In a May 19 briefing, the Chairman of the Central Election Commission, Garegin Arzizyan, told us that after 2007 the Council of Court Chairman (made up of the chairmen of the various courts) would appoint one member on each commission in place of the People's Deputy group. The other six seats on

election commissions will continue to be distributed among the parties in parliament, giving the coalition three seats on each commission. Commenting on the changes, opposition parliamentarian Viktor Dallakian told us that these changes look good on paper but amount to no change at all, as six seats will remain in control of the government.

15. (C) Until now, the President's three seats together with the governing coalition's three seats meant that pro-government members had a controlling majority of each Electoral Commission. We agree with Dallakian that these changes will not bring significantly more balance. The People's Deputy group of oligarchs are intensely loyal to the executive with whom they have cut the deals that maintain their power bases. The ostensibly independent judges on the Court of Appeals owe their jobs to the pro-government Minister of Justice, who, with the President's approval, appoints them to their terms from which they can be recalled by the President.

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POLICE TO CONTROL VOTER LIST  
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16. (SBU) Another amendment, supported by the OSCE, gives the national police and OVIR, the passport office, the responsibility for drawing up and maintaining Armenia's voter lists. The OSCE had supported this change because OVIR has centralized information about the comings and goings Armenian citizens. While local authorities have done a poor job maintaining voter's lists, OVIR is a centralized agency under firm executive control and rife with corruption. While we recognize that moving responsibility for voter lists to OVIR increases the opportunity for large-scale political corruption, even if (or, maybe, because) it is more effective at assembling national voter lists and provides us and other donors a potential target for technical assistance.

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PROXY POWERS INCREASED  
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17. (C) Opposition party member Viktor Dallakian told us that the most positive change in the election code was an increase in powers for candidate's proxies during vote counts. Proxies would now take an active role in the count, and have the right to physically examine questionable or discarded ballots during the count, whereas before they had to keep a distance from the counting and could not handle the votes.

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COMMENT: FAIR ELECTIONS A QUESTION OF POLITICAL WILL  
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18. (C) The Council of Europe's recommendations for electoral change notwithstanding, Armenia could have had free and fair elections under the old electoral code. While the government has enacted changes that meet the letter of some CoE recommendations, there is little sign of significant change in spirit. The redistribution of parliamentary seats is a compromise between two of the government's political power bases rather than between the government and opposition. The government ostensibly changed the composition of election commissions but did not, in fact, make them more balanced. Moving the responsibility to maintain voter lists to OVIR gives the government more opportunity to manipulate in their favor, but also more opportunity to ensure their fairness and accuracy. Much depends on the government's political will to have fair elections, rather than on the composition of the electoral commissions or the ownership of the voter lists.  
EVANS